

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF TEXAS
EL PASO DIVISION**

LEAGUE OF UNITED LATIN AMERICAN
CITIZENS, *et al.*,

Plaintiffs,

v.

GREG ABBOTT, in his official capacity as
Governor of the State of Texas, *et al.*,

Defendants.

CIVIL ACTION NO.
3:21-cv-00259-DCG-JES-JVB
[Consolidated Action: Lead Case]

**LULAC PLAINTIFFS' UNOPPOSED MOTION TO MODIFY
THE COURT'S SEPTEMBER 8, 2022 ORDER (DKT. 578)**

LULAC Plaintiffs seek to modify the Court's September 8, 2022 Order reopening the deposition of Chairman Todd Hunter, such that LULAC Plaintiffs may ask additional questions at his reopened deposition. *See* Dkt. 578. LULAC Plaintiffs have conferred with counsel for Chairman Hunter, the State, and the other plaintiffs; none opposes LULAC Plaintiffs' request.

In its September 8, 2022 Order, the Court stated that, in addition to the United States, "MALC, Fair Maps, the Abuabara Plaintiffs, and Texas NAACP" "MAY ask additional questions at the reopened deposition[.]" *Id.* at 16. Counsel for LULAC Plaintiffs asked several questions at Chairman Hunter's July 15, 2022 deposition that were the subject of the United States' motion to reopen, but LULAC Plaintiffs were omitted from the Order's list of plaintiffs who may ask additional questions at Chairman Hunter's reopened deposition. *See* Dkt. 503, Ex. 1 (Hunter Deposition Transcript) at 220–82; *see also* Dkt. 503, Ex. 2 (United States' Appendix of Challenged Objections).

The Court's Order quoted the following statement by counsel: "[W]ith respect to questions that were not answered because of the attorney/client privilege, where we believe it does not apply, we want to state for the record that we will seek to reopen." See Dkt. 578 at 3 n.2. The statement, made by counsel for LULAC Plaintiffs, was incorrectly attributed to counsel for Fair Maps.¹ Compare *id.* with Dkt. 503, Ex. 1 (Hunter Deposition Transcript) at 282:9-12.

Accordingly, LULAC Plaintiffs respectfully request that the Court modify its September 8, 2022 Order to include LULAC Plaintiffs in the list of plaintiffs permitted to ask questions during Chairman Hunter's reopened deposition. A proposed order is attached hereto.

CONCLUSION

For the foregoing reasons, LULAC Plaintiffs respectfully request that the Court grant this motion.

DATED: September 16, 2022

s/ Nina Perales

Nina Perales
Texas Bar No. 24005046
Fátima Menendez
Texas Bar No. 24090260
Kenneth Parreno*
Massachusetts Bar No. 705747
MEXICAN AMERICAN LEGAL
DEFENSE AND EDUCATIONAL FUND
110 Broadway, Suite 300
San Antonio, TX 78205
(210) 224-5476

*Admitted *pro hac vice*

ATTORNEYS FOR LULAC PLAINTIFFS

¹ Counsel for Fair Maps made a similar statement at Dkt. 503, Ex. 1 (Hunter Deposition Transcript) at 309:23-310:1 ("MR. BRACHMAN: I'll just put on the record the same comment that other Counsel have made about questions that were not answered under attorney/client privilege.").

CERTIFICATE OF CONFERENCE

I hereby certify that, on September 14, 2022, counsel for LULAC Plaintiffs emailed counsel for Chairman Hunter, the State, and the other plaintiffs in this suit regarding the instant motion. Counsel for those parties do not oppose this motion.

/s/ Nina Perales

Nina Perales

CERTIFICATE OF SERVICE

The undersigned counsel hereby certifies that she has electronically submitted a true and correct copy of the above and foregoing via the Court's electronic filing system on the 16th day of September 2022.

/s/ Nina Perales

Nina Perales